

REMARKS/ARGUMENTS

Reconsideration of the above-identified patent application in view of the present amendment and the following remarks is respectfully requested.

This amendment is being filed contemporaneously with an Information Disclosure Statement and a Proposed Drawing Amendment.

The Office Action of August 29, 2003 rejected claims 1, 2, 4, 12, and 16-20 as being anticipated by Sterzer, U.S. Patent No. 4,001,822. The Office Action also rejected claims 3, 5-11, 13-16, and 21 as being obvious over Sterzer in view of one of the following: Adcox et al., U.S. Patent No. 6,388,579, Lovoi, U.S. Patent No. 6,480,699, applicant admitted prior art, Boles, U.S. Patent No. 5,506,584, and Breed, U.S. Patent Application Publ. No. 2001/0002451A1. It is respectfully acknowledged that claim 22 was indicated as being allowed.

This amendment amends the specification to correct typographical errors in paragraph 0018 on page 8 of the specification. The amendment to the specification overcomes the objection to the specification.

The Proposed Drawing Amendment that is being filed contemporaneously herewith amends Fig. 3b to add reference number 40 to the low power battery, per the Examiner's request. Thus, the Proposed Drawing Amendment overcomes the objection to the drawings.

This amendment also amends claims 1, 5, and 10-12, cancels claims 4 and 6, and adds new claim 23. It is respectfully suggested that amended claim 1 patentably defines over Sterzer.

Anticipation requires a single prior art reference that discloses each element of the claim. W.L. Gore & Associates v. Garlock, Inc., 220 UPSQ 303, 313 (Fed. Cir. 1983) *cert. denied* 469 U.S. 851 (1984). For a reference to anticipate a claim, "[t]here must be no difference between the claimed invention and the reference disclosure, as viewed by a person of ordinary skill in the field of the invention." Scripps Clinic & Research Foundation v. Genentech Inc., 18 USPQ2d 1001, 1010 (Fed. Cir. 1991).

Amended claim 1 recites that the tag includes means for adhering to a component of the vehicle. The term "adhere" means "to stick fast or together by or as if by being glued." Webster's II: New College Dictionary (1999). It is respectfully suggested that Sterzer fails to teach or suggest that this feature of claim 1. Specifically, Sterzer teaches a license plate that includes three planar members 10, 14, and 18 that are bonded together. The license plate must then be mounted to the vehicle. Sterzer fails to teach or suggest means for adhering the license plate to a component of the vehicle. Adcox et al., Lovoi, Boles, and Breed also fail to teach or suggest this feature of claim 1. Therefore, allowance of claim 1 is respectfully requested.

Claims 2, 3, 5, and 7-21 depend from claim 1 and are allowable for at least the same reasons as claim 1. Additionally, claims 2, 3, 5, and 7-21 are allowable for the specific limitations of each claim.

Specifically, claim 5 recites that the transceiver circuitry is a low duty cycle micropower monolithic microwave integrated circuit. The Office Action relies upon Lovoi for the teachings of claim 5. Although Lovoi discloses an integrated circuit for

use in wireless data transmitting, it is respectfully suggested that Lovoi fails to teach or suggest the features of claim 5. Specifically, Lovoi fails to teach or suggest a duty cycle for the integrated circuit. Also, Lovoi fails to teach or suggest a micropower monolithic microwave integrated circuit, as is recited in claim 5. Moreover, Lovoi discloses a device that extracts energy from a power signal for generating a reply signal. (Col. 1, lines 43-46). Thus, it is respectfully suggested that one of ordinary skill in the art would not combine the teachings of Lovoi with those of Sterzer, which receives power from the vehicle battery. For these reasons, it is respectfully suggested that the rejection of claim 5 is improper and should be withdrawn. Therefore, allowance of claim 5 is respectfully requested.

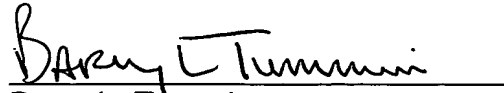
New claim 23 recites a communication system comprising a probe for transmitting a modulated radio frequency request signal and for receiving a modulated radio frequency response signal. The request signal includes an identification code. The communication system also includes a vehicle spaced from the probe and a tag that is adapted to be adhered to the vehicle and that includes a registration of the vehicle. The tag receives the request signal transmitted by the probe and include means for analyzing the identification code received in the request signal to determine whether the tag is an intended recipient of the request signal. The tag is effectively non-responsive to the request signal when the means for analyzing determines that the tag is not the intended recipient and transmits the response signal when the means for analyzing determines that the tag is the intended recipient of the request signal.

It is respectfully suggested that claim 23 patentably defines over Sterzer, Adcox et al., Lovoi, Boles, and Breed, whether taken singularly or in combination. None of Sterzer, Adcox et al., Lovoi, Boles, and Breed teaches or suggests a tag that includes a registration of the vehicle and that also includes means for analyzing the identification code received in the request signal to determine whether the tag is an intended recipient of the request signal. Furthermore, none of Sterzer, Adcox et al., Lovoi, Boles, and Breed teaches or suggests a tag that is effectively non-responsive to the request signal when the means for analyzing determines that the tag is not the intended recipient and that transmits the response signal when the means for analyzing determines that the tag is the intended recipient of the request signal. Since Sterzer, Adcox et al., Lovoi, Boles, and Breed fail to teach or suggest these features of claim 23, allowance of claim 23 is respectfully requested.

In view of the foregoing, it is respectfully submitted that the above-identified patent application is in condition for allowance, and allowance of the above-identified patent application is respectfully requested.

Please charge any deficiency or credit any overpayment in the fees for this amendment to our Deposit Account No. 20-0090.

Respectfully submitted,


Barry L. Tummino
Reg. No. 29,709

TAROLLI, SUNDHEIM, COVELL,
& TUMMINO L.L.P.
526 Superior Avenue, Suite 1111
Cleveland, Ohio 44114-1400
Phone: (216) 621-2234
Fax: (216) 621-4072
Customer No.: 26,294